

REMARKS

In the Office Action mailed September 14, 2005, the Examiner rejected claims 1-11 and 19, 20 under 35 U.S.C. § 112 as being indefinite. Claims 12-18 were previously withdrawn and cancelled in response to a restriction requirement.

Applicants appreciate the courtesies extended by the Examiner in the telephonic interview with Applicants' representative on January 17, 2006. The comments contained herein are substantially as discussed in the interview.

In the instant amendment, the Applicants amend claims 1, 2 and 19 as discussed in the interview for further clarity. The present amendments do not change the scope of the claim limitations but merely clarify the existing limitations. As such, the amendment is not made for reasons relating to patentability, but only to matters of form for expediting prosecution of the application.

The rejection based on 34 U.S.C. § 112 is respectfully traversed. However, to expedite allowance of the application, clarifying amendments as requested by the Examiner are made herein. It is respectfully submitted that a person of ordinary skill in the art of patch clamping would clearly understand the reference to a "high resistance seal." Such a seal with the cell membrane located on the tip of the patch clamping pipette is a well-known basic requirement for the patch clamping technique. The seal is also alternatively referred to in the art as a "gigaseal" or "giga ohm seal" as described in the instant application. In order to further clarify the scope of the intended limitation, the phrase "at least about 1 giga ohm" has been added to independent claims 1, 2 and 19. This language is supported throughout the application. For example, see FIG. 12 wherein "RSeal Pass = 1 GOhm" is defined and the control algorithm discloses determination of a giga seal as present when "RSeal>RSealPass." The control algorithm of FIG. 12 is described in the specification at pp. 29-30.

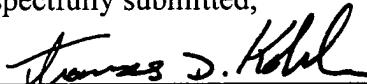
In view of the foregoing remarks it is believed that the application is now in form for examination on the merits and an early and favorable office action is earnestly solicited.

A Petition for Extension of Time for one month is included with this Response.

Applicant believes that no additional fee is required for submission of this response. However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 50-0310 (order no. 061082-0005).

Respectfully submitted,

Date: January 17, 2006

 32,797
Thomas D. Kohler (Reg. No.)
MORGAN, LEWIS & BOCKIUS LLP
Two Palo Alto Square
3000 El Camino Real
Palo Alto, CA 94306
(415) 442-1106